



Order Filed on October 6, 2016
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

UNITED STATES ATTORNEY'S OFFICE

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In re

GISELLE M. MARTINEZ
a/k/a GISELLE MARTINEZ,

Debtor.

Chapter 13

Case No. 16-13834-RG

Judge: Hon. Rosemary Gambardella

**STIPULATION AND ORDER DETERMINING THE EXTENT OF THE JUNIOR LIEN
OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

The relief set forth on the following pages, numbered two (2) through three (3) are hereby **ORDERED**

DATED: October 6, 2016

A handwritten signature in cursive script that reads "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

Debtor: Giselle M. Martinez

Bankr. Petition No. 16-13834-RG

Caption of Order: Stipulation & Order Determining Extent of Junior Lien of U.S. Dept. of HUD

The debtor Giselle Martinez (the “Debtor”), and creditor, U.S. Department of Housing and Urban Development (“HUD”), enter into the following stipulation pertaining to the extent of HUD’s lien on real property owned by the Debtor:

HUD has a valid mortgage (the “HUD Subordinate Mortgage”) on the real property owned by the Debtor, commonly known as 78 Farrandale Avenue Bloomfield New Jersey (the “Property”).

The HUD Subordinate Mortgage in the approximate amount of \$12,274.27, shall be abrogated and null and void if the Debtor completes her chapter 13 plan in these proceedings and receives an order of discharge.

HUD shall have an allowed unsecured claim of \$12,274.27, against the Debtor.

Upon the Debtor’s successful completion of her chapter 13 plan and receipt of an order of discharge, the HUD Subordinate Mortgage shall be terminated.

In the event that the Debtor refinances the loans on the Property, or sells the Property prior to the completion of these chapter 13 proceedings and her receipt of a chapter 13 discharge, then the HUD Subordinate Mortgage will be paid: (i) in the event of a refinancing, in full at closing; and (ii) in the event of a sale, to the extent of proceeds remaining after satisfying senior mortgages on the Property, unless a lesser amount is agreed to by the parties.

In the event that the Debtor fails to complete her chapter 13 plan in these proceedings and fails to obtain a chapter 13 discharge order in bankruptcy case number 16-13834, this Order shall not affect the validity or enforceability of the HUD Subordinate Mortgage and may not be enforced in any subsequent bankruptcy case filed by the Debtor either to compel the holder of

Debtor: Giselle M. Martinez

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the HUD Subordinate Mortgage to execute a discharge of the HUD Subordinate Mortgage, or to otherwise act as a discharge or release of the HUD Subordinate Mortgage.

Upon completion of the Debtor's chapter 13 plan and the entry of a chapter 13 discharge order in these proceedings, the Debtor may record a certified copy of this Order, with a copy of the Debtor's chapter 13 discharge order attached, which will constitute and effectuate the discharge of the HUD Subordinate Mortgage.

IN WITNESS WHEREOF, HUD and Debtor have agreed to the foregoing as of the dates written below.

Dated: September 28, 2016

Dated: September 28, 2016

PAUL J. FISHMAN
UNITED STATES ATTORNEY
DISTRICT OF NEW JERSEY

GISELLE MARTINEZ

/s/ Eamonn O'Hagan

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